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EXAMINER

MAYO, TARA L

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,682

Applicant(s)

MATSUURA ET AL.

Examiner

Tara L. Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 10-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) 10, 13, 17-21 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12, 15, 16 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/854,472.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20030925</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species A in the reply filed on 29 June 2005 is acknowledged. The traversal is on the ground(s) that (1) the Examiner failed to state the basis in support of the restriction requirement, and (2) the Examiner failed to establish distinctness. This is not found persuasive because, as set forth in the Restriction Requirement mailed 01 June 2005, the Examiner outlined each species by reference to the corresponding figure number(s) and further summarized the embodiment of the invention as depicted in the drawings. Furthermore, in response to Applicant's assertion that search and examination of the entire application would not place a serious burden on the Examiner, the Examiner does not concur because the claims drawn to the various species include distinct structural limitations.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 10, 13, 17 through 21 and 23 through 25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 29 June 2005.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

4. Applicant is reminded that in order for a patent issuing on the instant application to obtain the benefit of priority based on priority papers filed in parent Application No. 09/854,472 under 35 U.S.C. 119(a)-(d) or (f), a claim for such foreign priority must be timely made in this application. To satisfy the requirement of 37 CFR 1.55(a)(2) for a certified copy of the foreign application, applicant may simply identify the application containing the certified copy.

Specification

5. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves

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modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

6. The abstract of the disclosure is objected to because it refers to purported merits of the invention. On lines 1 through 2, delete "The motion reduction apparatus improves the ... motion of the floating body, and" and insert therefor --A motion reduction apparatus--. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claim 11 is objected to because of the following informalities: minor grammatical errors.

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In claim 11 on line 3, delete "in." Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1 through 3, 11 through 15 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernier (U.S. Patent No. 4,004,536).

Bernier '536, as seen in Figures 6 through 8, a motion reduction apparatus for a floating body floating on water comprising:
with regard to claim 1,

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a plumb plate (219) provided at least on a wavefront side of a floating main body (103) and separated from the floating main body by a specific distance (col. 3, lines 66 through 68) and extended beyond a bottom surface of the floating main body substantially in a vertical direction; with regard to claim 2,

wherein the plumb plate is supported at a specific location of the floating main body by means of a plurality of stay members arranged on the floating main body in parallel so as to provide flow sections between the stay members for flooding with incoming water; with regard to claim 3,

wherein the floating main body is orthorhombic-shaped, and the plumb plate is provided at least on one side section along the longitudinal direction of the floating main body; with regard to claim 11,

a water surface plate (219) provided at least on either a front section or a back section of a floating main body (103) having an orthorhombic shape disposed along a water surface; with regard to claim 12,

a plate member (219) provided at least on a wavefront side of a floating main body (103) disposed in such a way that an edge section of the plate member proximal to the floating main body is separated from the floating main body by a specific distance (col. 3, lines 66 through 68); with regard to claim 14,

wherein the plate member is supported at a specific location of the floating main body by means of a plurality of stay members arranged in parallel on the floating main body so as to provide flow sections between the stay members for flooding with incoming water; with regard to claim 15,

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wherein the floating main body is orthorhombic-shaped, and the plate member is provided along the longitudinal direction at least on either a left side section or a right side section of the floating main body; and
with regard to claim 26,

a floating body (103) and a motion reduction apparatus (219) according to claim 1.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernier (U.S. Patent No. 4,004,536).

Bernier '536, as seen in Figures 6 through 8, teaches all of the features of the claimed invention with the exception(s) of:

the plumb plate/plate member being constructed so as to be relocatable above a bottom surface of the floating main body.

Bernier '536, as seen in Figure 22, shows a motion reduction apparatus comprising a plate member (345) provided at least on a wavefront side of a floating main body (347) and separated from the floating main body by a specific distance and extended beyond a bottom surface of the floating main body substantially in a vertical direction, wherein the plate member is relocatable above a bottom surface of the floating main body for inoperable positioning (col. 6, lines 21 through 27).

With regard to claims 4 and 16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the embodiment of the device shown by Bernier '536 in Figures 6 through 8 such that the plate member would be relocatable above a bottom surface of the main body as shown by Bernier '536 in Figure 22. The motivation would have been to enable the plate member to be stored in an inoperable position.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm
24 September 2005


TARA L. MAYO
PATENT EXAMINER